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## **SECTION 4. EQUAL EMPLOYMENT OPPORTUNITY/UPWARD MOBILITY**

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DATE 02-21-2007 BY 60324 AUC BAW/CPB/STP

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### **4-1 U.S. DEPARTMENT OF JUSTICE POLICY (See MAOP, Part 1, 1-1.)**

(1) It is the policy of the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) to: (a) prohibit discrimination in employment on the bases of the following twelve factors: race, color, religion, sex, pregnancy, sexual orientation, national origin, marital status, political affiliation, age, or physical or mental disability, or reprisal for previous involvement in an EEO-protected activity; and (b) to provide equal employment opportunity in each organizational element of the Department.

(2) Management at all levels will take positive action to eliminate any internal policy, practice or procedure which denies equality of opportunity to any group or individual on the basis of the above twelve factors and will assure that questions and complaints of discrimination are promptly and thoroughly investigated, and resolved without reprisal or threat of reprisal to the employee or applicant.

(3) The Pregnancy Discrimination Act of 1978, Public Law No. 95-955, is an amendment to Title VII, 29 C.F.R. 1604.10(a): "A written or unwritten employment policy or practice which excludes from employment applicants or employees because of pregnancy, child-birth or related medical conditions is prima facie violation of sex discrimination under Title VII."

(4) FBI policy was revised on November 11, 1996, to add sexual orientation. The FBI's authority to investigate allegations of discrimination in matters pertaining to sexual orientation is derived from DOJ policy, Title 28, C.F.R., Part 42, and not from EEOC regulations. Therefore, upon completion of an OEEOA internal investigation of discrimination based upon sexual orientation, the DOJ Complaint Adjudication Office will review and issue a final decision. The rights traditionally provided to EEO complainants are not accorded to persons who bring complaints based on sexual orientation. These rights generally permit a complainant to seek remedies from the EEOC in the U.S. District Court. By Executive Order 13087, issued by President Clinton, on May 28, 1998, sexual orientation is defined as homosexuality, bisexuality, or heterosexuality.

(5) Discrimination based on marital status and/or

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| political affiliation is prohibited only by DOJ policy. Marital  
| status and political affiliation are not protected classes under  
| federal equal employment statutes and will not be addressed as EEO  
| violations. |

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## **4-2 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)**

The EEOC has Presidential authority to supervise and provide leadership and guidance in the conduct of Equal Employment Opportunity (EEO) programs for the civilian employees of, and applicants for, employment within the executive departments and agencies, and to review agency EEO program accomplishments periodically. The Commission has broad authority to inspect agency programs and application thereof.

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## **4-3 REGULATIONS**

| An EEO poster entitled, "EEO Bulletin" must be displayed and  
| maintained permanently on appropriate bulletin board(s) to ensure  
| employees and applicants observe and review EEO literature which  
| states the subject matter, and citations of the current EEO FBI  
| policies, and relevant department orders. The EEO Bulletin indicates  
| where the policies, reports, and the EEO information are located and  
| accessible to all interested employees. In addition to the EEO  
| Bulletin, the following posters must also be displayed: (a) the  
| poster captioned "The FBI's Policy is Equal Opportunity" and EEO  
| Counselors must be identified, and (b) "Discrimination on the Basis of  
| Disability in the Federally Conducted Programs and Activities of the  
| Federal Bureau of Investigation is Prohibited." The OEEOA may make  
| available other materials on special emphasis programs or issues  
| suitable for display on the office EEO bulletin board or in other  
| prominent places in the office. The OEEOA will supply each office  
| with copies of the current "EEO Bulletin" and will reissue a new  
| edition to all offices any time the policies, regulations or orders  
| change. |

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**4-3.1 Race and National Origin Identification - FD-758 [(See MAOP, Part 1, 2-6.)]**

(1) The FBI is required to collect race and national origin data in accordance with federal regulations and directives. Form FD-758, Race and National Origin Identification, supersedes Office of Personnel Management Standard Form 181. Regulations, Privacy Act Statement, instructions and five racial/ethnic/national origin categories are defined on the FD-758. The form must be completed by each employee at the time of entry on duty or as necessary to clarify records. It is utilized to enter information into Headquarters' automated Bureau Personnel Management System (BPMS) for reporting statistical data and is subsequently destroyed. The FD-758 and other data entered into the system are afforded proper control to preclude unauthorized access.

(2) Management is to supervise the collection of data to ensure compliance with federal requirements. Guidelines provide that agencies must accept the race and national origin data which is voluntarily submitted. In unusual cases, if it is evident the employee furnished inaccurate information, the employee should be counseled as to purpose, confidentiality afforded the information, and need for accuracy. If, after counseling, the employee still declines to change the categorization originally selected, the agency must accept the designation provided by the employee, except in certain instances. If an employee refuses to identify himself/herself, the agency is authorized and required to identify the employee's race or national origin as that which is visually perceived to be the correct classification for the employee.

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**4-3.2 Self-Identification of Handicap - Standard Form 256**

Standard Form 256, Self-Identification of Handicap, must be completed by each employee at the time of entry on duty, whenever a change occurs in an employee's disability status and/or to clarify records. All employees, including Special Agent personnel, are to execute the form even to indicate no disabling condition, which is denoted by Code 05. The information obtained through this form is entered into FBIHQ's BPMS for compiling statistical data. Collection of the requested information is authorized by the Rehabilitation Act of 1973 (Public Law 93-112). Data is used for the purpose of producing statistical reports to show progress in hiring, placement and advancement of persons with disabilities. The forms are subsequently destroyed and data entered into the BPMS is afforded proper control to preclude unauthorized access.

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**| 4-3.3 Applicant Background Survey - FD-804 |(See MIOG, Part 1, 67-4.3.)|**

(1) The Applicant Background Survey Form (FD-804) captures gender, race/ethnicity, sex, and a disability code for Agents and Support applicants. The purpose of the form is to track and study the efforts made in the FBI's recruitment/hiring programs. The FD-804 contains regulations, a Privacy Act statement, instructions, gender, defines five (5) racial/ethnic/national origin categories, and eleven (11) disability codes. The FD-804 will be presented to ALL APPLICANTS. The FD-804 should be completed, returned, along with an application for employment from each prospective Bureau applicant to initiate the applicant process. The information obtained through this form is entered into the FBI's Bureau Personnel Management System (BPMS) that compiles statistical data. Following the entry of this information into the BPMS, the form is subsequently destroyed. Such data entered into the BPMS will be afforded proper control to preclude unauthorized access.

(2) Guidelines provide that agencies must accept gender, race, national origin, sex, and a disability code which is voluntarily submitted by the applicant. Should the applicant desire not to return the FD-804, the entry into the FBI's BPMS should be N for the respective codes.

(3) The applicant background survey form will not REPLACE Forms FD-758 and SF-256 which MUST be executed by all employees upon entering on duty.

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**| 4-4 EEO COMPLAINTS (See MAOP, Part 1, 1-2.1.)**

An employee or applicant for employment in the FBI who feels discriminated against because of race, color, religion, sex, including sexual harassment, sexual orientation, national origin, age, physical or mental disability, or reprisal for previous involvement in an EEO-protected activity must bring the matter to the attention of an EEO Counselor for the office or division in which the incident arose prior to filing a discrimination complaint. EEOC mandates that most incidents or grievances will be such that they can be resolved informally without the employee or applicant resorting to a formal complaint. The EEO Counselor must be contacted within 45 calendar days after the action or incident in question has taken place. Failure to contact an EEO Counselor within 45 calendar days of an alleged discriminatory action will likely result in forfeiture of a

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complainant's right to pursue a claim of discrimination.

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#### **4-4.1 EEO Complaints on the Basis of Disability in FBI Federally Conducted Programs and Activities**

(1) Complaints of discrimination can be filed on the basis of disability against any of the federally conducted programs or activities of the FBI (i.e., FBI training programs, as well as FBI office space, tour facilities and the Training Academy facilities) which are available to individuals receiving such services. These complaints of discrimination will be processed in accordance with the procedures set forth in Title 28, Code of Federal Regulations, Part 39.170. Part 39.170 establishes a detailed complaint processing and review procedure for resolving allegations of discrimination in violation of Section 504 in the Department of Justice's programs and activities. As indicated in this regulation, there are major distinctions in processing these complaints as compared with employment complaints filed by employees or applicants with disabilities. The Office of EEO Affairs at FBIHQ, [REDACTED] should be contacted promptly if such a complaint is received.

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(2) [Deleted]

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#### **4-5 EEO OFFICIALS AND SPECIAL EMPHASIS PROGRAM MANAGERS**

The Chief of the FBI's Office of Equal Employment Opportunity Affairs (OEEOA) is assisted by two Assistant EEO Officers, one in charge of the Complaints Processing Unit and the other in charge of the Special Programs Unit. Identities of these individuals as well as identities of program managers within these entities are listed on the poster entitled, "The FBI's Policy is Equal Opportunity." The OEEOA is under the direction of the FBI's Deputy Director. Implementation of a positive equal employment opportunity program and application of the regulations are the responsibility of division heads, ADICs, SACs, and their managerial staffs.

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**4-5.1 EEO Counselors (See MAOP, Part 1, 3-3.1(1).)**

(1) It is the responsibility of each ADIC/SAC and each Assistant Director to ensure that an adequate number of EEO Counselors are available to provide timely counseling and ready access to procedural information which may be needed by employees and/or applicants for employment. A minimum of two employees who are not members of the supervisory staff in the field or in a division at FBIHQ are to be selected in accordance with instructions set forth in 4-5.1(4). In some situations supervisory personnel may serve as EEO Counselors; however, ensure persons other than supervisory staff are available as Counselors. To provide diversity in Counselors, promote the opportunity for peer counseling and maximize opportunities for informal resolutions, both Special Agent and support personnel should be selected. Special Agents serving as Chief Division Counsels (CDCs) and Assistant CDCs (ACDCs) should not be designated to serve as EEO Counselors as the EEO Counselor role might conflict with the legal advisory role.

(2) Employees assigned to the Legat Offices and the El Paso Intelligence Center (EPIC) who may need EEO information and/or a Counselor should contact the OEEOA at FBI Headquarters. If an EEO Counselor is not available within an employee's work entity, referral to a Counselor will be made by the OEEOA.

(3) Names of EEO Counselors for each division and each field office, along with their telephone extensions and names of FBIHQ EEO Officials and Special Emphasis Program Managers, must be publicized on the office EEO Bulletin Board(s). The information should be prominently displayed at all times on key bulletin boards in clear view of all employees and all applicants.

(4) The selection of Agent and Support personnel to perform as EEO Counselors is to be a participatory process. Notice of the division's need for EEO Counselors should be made known to all employees and should indicate the skills and abilities desired for the position. A person wishing to become an EEO Counselor should submit an application reflecting their interest, skills and abilities. The division may utilize its regular career board system, or may establish a committee of employees representative of both Agent and Support staff to consider the applicants and make selection recommendations to the division head. Guidance on the composition of Special Agent career boards is set forth in MAOP, Part 1, 3-3.1 and for Support personnel career boards in MAOP, Part 1, 7-6.4.2. The views of ADICs/SACs/Assistant Directors and the OEEOA on the candidate(s) may be considered by the selecting career board. The OEEOA should be promptly advised of the EEO Counselor(s) name(s). The OEEOA has the authority to remove an ineffective EEO Counselor for cause. (See 4-5.1(1).)

(5) Employees serving as EEO Counselors will receive a

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| Basic EEO|Counselor|course as soon as possible following their  
| selection. |Counselors may request supplemental training provided by  
| the Graduate School, USDA, or other GETA training providers by  
| contacting the Equal Employment Specialist, OEEOA, at the FBI  
| Academy. |

(6) EEO Counselors receive guidance from the FBI EEO Officer. They are responsible for this collateral duty under the direction of the EEO Officer. Special Agents, and, where applicable, those Support employees who record their time using the TURK system, acting in the capacity of EEO Counselors, should attribute the time spent|as Counselors|by indicating the 280B classification on their TURK Form (FD-420a).

(7) Each ADIC, SAC and Assistant Director should likewise remain vigilant in those circumstances involving the replacement of an EEO Counselor to ensure that the outgoing Counselor's notes are appropriately packaged and forwarded to the OEEOA, FBIHQ (see MAOP, Part 1, 4-5.1.5).

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#### **4-5.1.1 Role of EEO Counselor**

| (1) The Counselor's role is to|convincingly establish|an  
| open and direct channel through which employees may raise questions,  
| discuss grievances, get answers, and on an informal basis,|effectively  
| resolve the|problems connected with equal employment opportunity.  
| The Counselor is responsible for trying to|resolve problems which are  
| raised by employees. The Counselor works toward reconciliation by  
| discussing the employee's problems with the employee and with the  
| employee's supervisors or associates, if necessary; PROVIDED THE  
| EMPLOYEE GIVES PERMISSION TO DO SO. If the employee or applicant does  
| not give permission to use his/her name, anonymity must be safeguarded  
| and his/her identity may not be divulged to anyone by the Counselor.  
| Where anonymity is requested, the Counselor needs to point out to the  
| individual that it may be difficult to fully develop facts, although  
| as much information as possible should be ascertained by the Counselor  
| while safeguarding the anonymity of the complainant. A written  
| Release from Anonymity form should be executed in every instance where  
| anonymity has not been requested. | The EEO Counselor must exercise  
| good judgment, be objective and fair, be able to secure the confidence  
| of|both the|employees who are to be counseled|and the responding  
| management officials,|and be able to work and communicate effectively.  
| EEO Counselors must|perform|their role as outlined in the Department's  
| regulations.

| (2) It is preferred that EEO Counselors not be|used|  
| on career boards|or|selection panels. |Service on these panels places  
| an EEO Counselor|in the position of potentially being involved in a  
| grievance|or|complaint regarding a selection issue. This then results

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| in a conflict and ultimately their|recusal from counseling  
| on the specific selection,|thereby reducing the number of|available  
| counselors.| Counselors may be members of selection panels  
| if they are serving based on their subject-matter expertise pertaining  
| to the position being filled,|e.g.,|Accounting Technician, Training  
| Technician, Computer Specialist, rather than|in|their role as EEO  
| Counselors.

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#### **4-5.1.2 Files and Records Available to EEO Counselors (See MIOG, Part 1, 280-2.2.)**

(1) EEO Counselors are authorized to review all RELEVANT files in order to effectively attempt an informal resolution. This includes relevant personnel files in the field offices, FBIHQ Divisions, as well as the Official Personnel File (OPF) at FBIHQ. Relevant OPFs include only the files of those persons logically connected to, or having some bearing on the allegations of discrimination. In addition, the Counselor is authorized to review pertinent administrative records in field offices and FBIHQ which have a bearing on the matter under counseling. Such records include, but are not limited to, control files, medical records, administrative/criminal inquiry files of the Office of Professional Responsibility (OPR) and the Adjudication Unit, as well as written documentation and/or taped recordings of Career Board deliberations, to the extent such records have a bearing on the allegations being raised by the aggrieved|person.|

(2) With regard to field office and FBIHQ Career Board records, and/or field office or FBIHQ OPR records, EEO Counselors must contact the OEEOA for guidance and approval PRIOR TO requesting access to these records. Access to OPR documents is currently limited to the predication only for pending matters, or the investigative file on closed matters. Access to any of these records through the informal EEO precomplaint counseling process is limited to those situations where an aggrieved|person|has clearly articulated a specific basis which falls within EEO jurisdiction. This is necessary in order to provide an aggrieved|person|with a viable opportunity to informally resolve the matter, and yet protect the integrity of the Career Board and OPR processes. EEO Counselors must|indicate in their notes|the name of the OEEOA employee they spoke with and the date of the OEEOA authorization, and in any subsequent Report of Counseling should the matter proceed to the formal stage. OEEOA approval to review taped recordings of Career Board deliberations will be closely coordinated with the affected field office, FBIHQ division, and/or the Special Agent Mid-Level Management Selection (SAMMS) Board|and Executive Development and Selection Program (EDSP)|pursuant to specific instructions/limitations.

(3) It should be noted, however, that a Counselor seeking

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access to relevant Employee Assistance Program files must obtain the prior written authorization, or a statement evidencing such a waiver of confidentiality, from the subject of such files.

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### **4-5.1.3 Counselor Matters Data Base**

(1) The Equal Employment Opportunity Commission mandates each agency to report EEO counseling contacts at the end of each fiscal year. To properly capture this information, as well as manage the Counselor Program, a Counselor Matters Data Base has been developed and can be accessed through the Bureau Personnel Management System (BPMS) on the FBINET. Each active EEO Counselor is required to report his/her counseling activity on a quarterly basis.

(2) All active EEO Counselors are granted access to the Counselor Matters Data Base via their User ID. Newly trained Counselors are granted access immediately following training. To access the data base, Counselors must enter their User ID and password, and then select the call key for the Counselor Matters application. Appropriate selections are available depending on the nature of the entry, |e.g., |initial entry, modify entry, |or|delete. Specific information necessary to close out the record is|also| prompted|in order|to ensure|that|it is entered. A detailed instruction guide on this application is available through the OEEOA.

(3) On a quarterly basis, the OEEOA will run reports from this data base and reconcile any discrepancies. Counselors that have not entered their counseling activity (which includes a selection that they had no counseling activity for the quarter) by the 21st day following the end of the quarter, will be contacted by the OEEOA and requested to enter the data immediately.

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### **4-5.1.4 Report of Counseling (JMD-379)**

The EEO Report of Counseling, JMD-379, should be|completed|when a formal complaint has been filed|no matter what the basis of the complaint. The Report of Counseling is the initial document in the precomplaint phase. It, together with the Counselor Matters Data Base, is used by OEEOA in reporting instances of precomplaint counseling throughout the Bureau. In situations where the Report of Counseling is to be completed, the Counselor should develop the facts as would be done in any other type grievance or

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| personnel matter requiring consideration and approval. |  
Reports of Counseling must be submitted by the EEO Counselor to the OEEOA within 7 days of being advised by the OEEOA to furnish same. Notes created during the counseling activity are not to be included in these reports. Instead, the Counselor should retain and properly store his/her notes for a period of two (2) years. (See MAOP, Part 1, 4-5.1.5 & Part 2, 2-4.5.15.)

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#### **4-5.1.5 Storage of EEO Counselor's Notes (See MAOP, Part 1, 4-5.1(7), 4-5.1.4.)**

(1) Each EEO Counselor will be responsible for the proper storage of notes created during the course of EEO counseling activities. Such notes should be stored in a secure or locked device such as a desk or safe to which access is restricted to the EEO Counselor. These notes should be retained for a period of two (2) years from the date of their creation, at which time they should be destroyed. Each EEO Counselor will be responsible for creation of his/her tickler system for the destruction of these notes (see MAOP, Part 2, 2-4.5.15).

| (2) |There|may be instances where, prior to the passage of the two years, the EEO Counselor may be suspended or terminated, may retire or resign from the FBI's employment, may be transferred from one office of assignment to another, or may decide to relinquish his/her duties as an EEO Counselor. As a result of such change of circumstances, and to ensure the integrity of the confidentiality required in the EEO process, it will be incumbent upon the Counselor to have the notes forwarded to the OEEOA, FBIHQ for appropriate storage.

(3) Each ADIC, SAC and Assistant Director should likewise remain vigilant in those circumstances involving the replacement of an EEO Counselor to ensure that the outgoing Counselor's notes are appropriately forwarded to the OEEOA, FBIHQ. In those instances where, due to unusual circumstances, the office management is tasked with forwarding the notes of an outgoing EEO Counselor, extra care should be given to the handling of such material to ensure that adequate confidentiality is maintained for these materials.

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#### **4-5.2 EEO Investigators (See MIOG, Part 1, 280-2.)**

(1) EEO investigations are conducted by Special Agents

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(GS 1811) serving either as TERM GS-14 Investigators or collateral duty Investigators. TERM Investigators are full-time positions selected by the OEEOA, and approved by the SAMMS Board, who serve in one of five regions across the country--Northeast, East, Southeast, Midwest and West. The East Region has four TERM Investigators, while the remaining regions have one investigator each. The TERM Investigator position is a two-year term, with optional one-year extensions approved by the OEEOA. Each TERM Investigator, when selected, remains in his/her field office, and investigates complaints arising in the field offices within their region (see MAOP, Part 1, 4-5.2 (7)), except for their own field office. TERM Investigators report directly to the OEEOA, which supervises their work and provides annual performance appraisal ratings. Collateral duty Investigators perform EEO investigations as a voluntary, collateral duty to their normal investigative responsibilities. Each field office is required to maintain a specific number of trained collateral duty Investigators as set forth by the OEEOA, and the division head is responsible for ensuring that those Investigators are impartial and professional representatives of that division.

(2) The collateral duty Investigator position can be filled through circulating a memo outlining the duties and qualifications of the position. Interested qualified employees may directly volunteer by making their interest known to management, or management may encourage such qualified employees to volunteer. No formal posting is required, but individuals selected for this position must have exhibited an ability to conduct THOROUGH and OBJECTIVE investigations in a timely manner. They do not have to be participants in the Executive Development and Selection Program (EDSP). Divisions may choose to select EEO Investigators through established career board procedures.

(3) Following selection, both TERM and collateral duty Investigators will be scheduled to attend the next available EEO Investigators' Seminar training course at the FBI Academy. Case assignments will not be made until completion of the training program. Investigations will be assigned by the Unit Chief of the Complaints Processing Unit (CPU). Assignments to collateral duty Investigators will be made by the CPU Unit Chief following concurrence with the respective Assistant Special Agent in Charge of the office where the Investigator is assigned. Investigations are assigned based on geographic region, but are NEVER assigned to an Investigator within his/her own division. During the investigation, Investigators are directly supervised by various personnel within the OEEOA, including the Supervisory Special Agents assigned to the CPU, the CPU Unit Chief, and the EEO Officer.

(4) Collateral duty Investigators who are promoted to supervisory positions, or who resign from the EDSP will be removed from the list of active Investigators. Exceptions can be made by the OEEOA on a case-by-case basis. A collateral duty Investigator who receives a nonpromotional transfer from one field division to another becomes a part of their new division's complement of EEO Investigators if they are still interested and available. It is the responsibility of each field office to immediately advise the OEEOA, by communication, of any personnel changes (retirements, transfers,

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promotions, etc.) involving collateral duty Investigators. Offices experiencing a reduction below the recommended complement of collateral duty Investigators will be notified by the OEEOA and given preferential consideration for spaces at the next available EEO Investigator's in-service.

(5) At the conclusion of each investigation, the OEEOA will provide an evaluation of the collateral duty Investigator's work to the ADIC/SAC/AD, the Investigator's rating official, and the Investigator. The evaluation is to be used as a measuring tool of the Investigator's additional duty as an EEO Investigator and DOES NOT constitute an official performance rating. The significance given to this evaluation in the Investigator's annual Performance Appraisal Report will be left to the discretion of the rating official. The OEEOA has the discretion and authority to remove an ineffective collateral duty Investigator for cause in the event the quality of that Investigator's performance or work product does not meet the OEEOA's standards. Examples of such grounds would be biased behavior and/or reporting, or failure to follow OEEOA instructions regarding an investigation.

(6) Special Agents conducting EEO investigations should attribute time spent on TURK Form (FD-420a) as subclassification 280A.

(7) TERM GS-14 EEO Investigator regions are comprised of the following offices:

Northeast - AL, BF, BS, CV, DE, NH, NK, NY, PG, PH  
Southeast - AT, BH, CE, CI, CO, IP, JK, JN, KX, LS, ME, MM, MO, NO, SJ, TP  
East - BA, FBIHQ (to include Legats), NDIC, NF, RH, WFO  
Midwest - AQ, CG, DL, DN, EP, HO, KC, LR, MP, MW, OC, OM, SA, SI, SL  
West - AN, HN, LA, LV, PD, PX, SC, SD, SE, SF, SU (See (1).)

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**| 4-5.2.1 Authority and Role of EEO Investigator (See MIOG, Part I, |280-2.1.)|**

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**| 4-5.2.2 Files Available to Investigator (See MIOG, Part I, |280-2.2.)|**

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**| 4-5.2.3 EEO Investigation and Documentation (See MIOG, Part I, |280-2.3.)|**

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**| 4-5.2.4 Investigative Report/Review by Office of the General Counsel (See MIOG, Part I,|280-2.4.)|**

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**| 4-5.2.5 Theories of Discrimination (See MIOG, Part I,|280-2.5.)|**

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**| 4-5.2.6 |Moved to 4-5.3|**

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**| 4-5.2.7 |Deleted|**

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**4-5.3 Subclassifications (See MIOG, Part 1, 280-1; MAOP, Part 2, 3-1.1, 3-1.2, 3-3.2(3) & 3-4.5(5).)**

(1) 280A (EEO Investigations) - Should ONLY be utilized for EEO investigative files and to record time spent on EEO investigations. FILE USE RESTRICTED TO OEEOA ONLY.

(2) 280B (EEO Counseling) - Should ONLY be utilized for recording time spent counseling.

(3) 280C (EEO Conferences) - Should ONLY be utilized to record time spent at conferences and training seminars.

(4) 280D (EEO Administrative) - Utilized for EEO administrative files that are unrelated to specific complaints of discrimination or that make reference to a complainant by name.

(5) 280E (Reasonable Accommodation Request) - FILE USE RESTRICTED TO OEEOA ONLY.

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**4-6 AFFIRMATIVE EMPLOYMENT PROGRAM**

The Bureau's Affirmative Employment Program is a continuing program for the recruitment of minorities and women to eliminate underrepresentation in various categories of employment and to ensure equality of opportunity by tracking and monitoring such activities as recruitment, hiring, disciplinary actions, promotions, and training.

\*\*EffDte: 12/12/1991 MCRT#: 0 Div: EE Cav: SecCls:

**4-6.1 Moved to 4-3**

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

**4-6.1.1 Recruitment of Persons with Disabilities, Minorities and Women**

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(1) Suggested means of attracting individuals with disabilities are: contact various rehabilitation agencies, state employment services and Veterans' Assistance Centers, participate in job fairs, conferences and other events that focus on employment of persons with disabling conditions. In addition, contacts should be maintained with the suggested contacts for attracting minorities and women.

(2) Suggested means of attracting members of minority groups and women are: contacts with high schools, business and specialty schools, colleges and law schools, women's colleges and organizations; contacts with civic, professional, business, and religious leaders; contacts with minority groups such as the National Urban League; contacts with military separation centers and other logical military bases including the transition officers at such centers and bases; contacts with graduating seniors who are also receiving commissions in the military as a result of ROTC programs at colleges having a predominance of minority students, suggesting career potential as SA in FBI following separation and that while in military they may be in contact with minority officers being separated from military or who would be inclined to separate if they were assured of a good job; contact with law enforcement agencies; contact with local offices of pertinent federal and state employment opportunity programs for the underprivileged; contact with state employment services; notices regarding opportunities for employment included in relevant publications, particularly appropriate women's, minority, and foreign language newspapers, e.g., Spanish, including publicity on achievements or career information on our individual women and minority employees; participation in radio and television broadcasts, particularly over minority-oriented stations, including participation by women and minority employees; provide press releases related to the recruiting/hiring programs; speeches before groups which include a representative number of women and minority group members; use of informal contacts, such as with friends, neighbors, etc., and discussion of career opportunities during tours of field offices and FBIHQ. These suggestions are by no means all-inclusive but are to be supplemented consistent with individual field office effort. ADICs/SACs and FBIHQ division heads must ensure that handling of all applicants is proper, and that coverage of sources of applicants is complete. The positive EEO program implemented by each field office must be under the personal direction of the ADIC or SAC who must ensure that the office applies a positive and forward-looking approach toward recruitment in this area.

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#### 4-7 EMPLOYEES' AWARENESS OF EEO PROGRAM

(1) ADICs, SACs and FBIHQ division heads must ensure that all employees are familiar with the EEO policy and the responsibility of employees under the Department's regulations, and that all

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supervisors are fully knowledgeable on this subject and particularly as to their responsibilities. This should be brought to the attention of supervisors at the time they are designated as such. Supervisors must make certain all employees thoroughly understand pertinent parts of the program and are aware of where details on the program can be located. It is imperative that all employees fully understand that allegations of discrimination must be brought to the attention of an EEO Counselor within 45 calendar days of the action in question, and that failure to contact an EEO Counselor within the required 45 calendar days may result in forfeiture of the complainant's right to pursue a claim of discrimination.

(2) To supplement training offered through management and supervisory courses on EEO at the FBI Academy and other FBI training sessions, supervisors and managerial staff, in particular the ASAC, Supervisory SAs, Administrative Officers (AOs), and Assistant AOs, should attend EEO training provided by the OEEOA at the FBI Academy.

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#### **4-7.1 Conferences**

The policy pertaining to EEO must be made a subject of discussion at annual conferences of Agent and support personnel in the field and at FBIHQ and should be appropriately documented. Such discussions should describe in general terms the discrimination complaint process and in particular the fact that all allegations of discrimination must be brought to the attention of an EEO Counselor within 45 calendar days of the action in question, and that failure to contact an EEO Counselor within the required 45 calendar days may result in forfeiture of the complainant's right to pursue a claim of discrimination. It must be emphasized during such lectures that all personnel actions in the Bureau should be based on merit and job-related criteria and that there must be no discrimination as to the EEO factors. Employees should be urged to consult their EEO Counselor at any time should they have any question(s) on this matter. Names of these EEO Counselors should be brought to the attention of the conference attendees. (See MAOP, Part 2, 8-1.3.2(4) and 8-2.2(1), (2); Legal Attache Manual, Sections 2-12.1 and 2-12.3.)

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#### **4-7.2 Special Emphasis Program Coordinators**

(1) To enhance opportunities for results-oriented programs and increase employee awareness of the Special Emphasis

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| Programs, 15 major offices| (by office population size -| Atlanta,  
| Baltimore, Boston, Chicago, Dallas, Detroit, Houston, Los Angeles,  
| Miami, Newark, New York, Philadelphia,| San Diego,| San Francisco and  
| Washington Field Office) are required to designate coordinators as  
| follows: American Indian/Alaskan Native, Asian American/Pacific  
| Islander, Black Affairs, Federal Women's, Hispanic Employment, and  
| Persons with Disabilities (hiring and placement of persons with  
| disabilities)| Programs.| The Applicant Coordinator is to coordinate  
| the active recruitment of persons with disabilities and, where  
| feasible, handle all matters pertaining to persons with disabilities  
| and serve as the Persons with Disabilities Coordinator. In certain  
| instances, such as| with the Los Angeles, New York, and Washington  
| Field Offices,| there is a need to fill the responsibility of handling  
| matters pertaining to the Persons with Disabilities Program by an  
| individual in addition to the Applicant Coordinator.

(2) In the above-named offices the coordinators are to  
formulate an EEO Advisory Committee. Each coordinator and/or the  
committee, collectively, should serve as a resource body or person to  
management officials on concerns of the targeted group he/she  
represents. These coordinators are to maintain contact with the FBIHQ  
Special Emphasis Program Managers for necessary guidance and  
direction.

(3) Training for each coordinator, apropos to the program  
| for which he/she is responsible, is offered through the| Graduate  
| School, USDA (formerly OPM Training). For additional information  
| regarding this training call USDA toll free at (888) 744-GRAD.| The  
| coordinators should arrange to attend| training provided through  
| Graduate school| or comparable courses approved by the OEEOA. Standard  
| Form 182, "Request Authorization Agreement and Certification of  
| Training," must be utilized.

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#### **| 4-7.3 OEEOA Funding for Commemorative Events**

| All requests for OEEOA funding assistance are subject to  
| availability of funds. Budget limitations and increased demand for  
| assistance require the OEEOA to allocate its assistance funds so as to  
| encourage the broadest reach of programs.

| The OEEOA will apply the following guidelines:

| (1) GENERAL GUIDANCE

| (a) OEEOA funds, when available, are to supplement,  
| not supersede, the contributions of the local office.

| (b) The EEO program/activity must highlight the  
| contributions and provide awareness of the various affinity groups

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| being highlighted. The OEEOA will consider funding the following  
| items: exhibits, posters, workshops/seminars, guest speakers, and  
| other related resources.

| (c) Other events may also provide an opportunity to  
| include and celebrate the unique contributions made by other heritages  
| and cultures not regularly celebrated throughout the year by the  
| OEEOA. An example of this would be the "Unity Festivals" being held  
| annually at FBIHQ and in various field offices.

| (d) Funding assistance request must be in writing and  
| received by OEEOA at least one month prior to the event.

| (2) The request must contain the following information:

| (a) A statement of the SAC's approval for the date,  
| place, and content of the event.

| (b) The scope of the program and how it highlights  
| the contributions of various cultures or groups.

| (c) An itemized list of the cost of each program  
| component or activity, to include but not be limited to, featured  
| speakers and scheduled performances.

| (d) A proposed breakdown of the sponsoring  
| office/OEEOA proportions of total costs.

| (3) In the event you are sharing the cost with other  
| agencies or local entities, the requesting FBI office must provide a  
| complete breakdown of expenses, as set forth below:

| (a) Overall expenses

| (b) Division's share of total

| (c) Requested OEEOA contribution|

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#### **| 4-8 | EXECUTIVE DEVELOPMENT AND SELECTION PROGRAM (EDSP)**

| FBI Policy Statement dated July 26, 1994, reiterates long-  
| standing policy under the Affirmative Employment Program Plan for  
| Minorities and Women as follows:

| "As the Director of the FBI, I strongly encourage women  
| and minorities to participate in the voluntary Executive Development  
| and Selection Program (EDSP), and I, personally, support initiatives  
| to affirmatively recruit women and minorities into the EDSP.  
| Increasing the number of women and minorities participating in the

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| EDSP at the entry level position of relief supervisor will broaden the  
| pool of women and minority candidates eligible for selection as  
| supervisors, mid-level managers and, ultimately, for selection as  
| senior executives. It is my objective to encourage participation in  
| the EDSP by sufficient numbers of highly talented and motivated women  
| and minority SAs to ensure that women and minority SAs achieve  
| leadership positions in the FBI, including the Senior Executive  
| Service."

\*\*EffDte: 11/18/1994 MCRT#: 347 Div: EE Cav: SecCls:

**| 4-8.1 | Moved to 4-9.1|**

\*\*EffDte: 11/18/1994 MCRT#: 347 Div: EE Cav: SecCls:

## **4-9 UPWARD MOBILITY PLAN**

| The FBI has developed an Upward Mobility Plan (UMP). This  
| Plan includes all positions in the FBI to which all GS employees or  
| any Wage Board employee can aspire, to enable them to realize their  
| full work potential. The Plan is designed to ensure a continuing,  
| results-oriented program of upward mobility within the FBI.  
| Information concerning the Plan should be maintained on key bulletin  
| boards in each office, division and field office so that every  
| employee will have ample opportunity to observe and review same. In  
| addition, information concerning upward mobility should be discussed  
| during annual conferences of Support personnel and at any other times  
| deemed appropriate. It must be emphasized during such lectures that  
| upward mobility must conform with merit principles and equal  
| opportunity requirements. Employees should be urged to consult their  
| Upward Mobility (UM) Counselor should they have any questions on this  
| matter.|

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

### **4-9.1 Role of Upward Mobility Counselor (Formerly 4-8.1)**

Instructions regarding the selection of UM Counselors are included under Career and Educational Counseling in the FBI's UMP. The Counselor's role is an essential element in the UMP because the Counselor attempts to match the employee's interests, skills and potential to the organizational needs by bringing together

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people and job opportunities. Such career counseling is designed to provide information and advise of the ways employees can use their skills, acquire more job satisfaction, and choose the education and/or training necessary to advance. Counselors should be able to deal effectively with all persons within the Bureau's diversified work force, including persons with disabilities. The Counselor should have an understanding of merit principles, performance evaluation procedures, Bureau promotional policy and other information necessary to assist employees so that employees will not have their hopes raised unrealistically. To ensure Counselors are well versed in personnel procedures, they should review FBI's promotion policy, thoroughly familiarize themselves with the various positions throughout the Bureau, and be familiar with the transfer policy for support employees. Counselors should furnish pertinent information to FBIHQ|semiannually|regarding the employees who seek them out for individualized counseling on upward mobility. This information should include the employee's name, entry-on-duty date, current position,|series number, grade|and what upward mobility|target position(s),|if any, the employee was|advised|he or she could aspire to in the future. |All reports should be received in the Office of EEO Affairs no later than March 15th and September 15th of each year. |To reduce the time of transmittal the reports should be sent electronically to Ms. Kimberlee Swain, Upward Mobility Program Manager, via the FBI's internal e-mail system with a hard copy to follow. All divisions are required to submit negative responses when no activity has occurred during a reporting period.|

\*\*EffDte: 06/18/2001 MCRT#: 1115 Div: EE

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#### **4-10 PERSONS WITH DISABILITIES (FORMERLY SELECTIVE PLACEMENT) PROGRAM**

The FBI's Persons with Disabilities Program (PDP), located within the Office of Equal Employment Opportunity Affairs (OEEOA), monitors and reports on the recruitment, hiring, testing, placement, and advancement of persons with disabilities within the Bureau. The PDP also provides training to Bureau personnel regarding the employment of individuals with disabilities, general awareness, reasonable accommodation and other related issues. In addition, the PDP receives, reviews, researches, coordinates and makes recommendations|regarding|requests for reasonable accommodations received from employees and applicants. Recommendations for reasonably accommodating persons with disabilities are generally made with the assistance of the FBI's Reasonable Accommodation Committee (see MAOP, Part 1, 4-10.2).

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#### 4-10.1 Regulations Pertaining to Employment of Persons with Disabilities

(1) The Rehabilitation Act of 1973 (Public Law 93-112), as amended by Public Law 93-516, the Vietnam Era Veterans' Readjustment Act of 1974 (Public Law 93-508), and the Americans with Disabilities Act of 1990 require that agencies within the Executive Branch of the federal government develop and implement affirmative action program plans that will expedite the hiring, appointment and promotion of persons with disabilities and develop policies that do not unnecessarily exclude or limit persons with disabilities because of architectural, procedural, communication, transportation or attitudinal barriers.

(2) Federal law and EEOC guidance provide the following definitions:

(a) "Person with a disability" is an individual who has a physical or mental impairment which substantially limits one or more of the person's major life activities; has a record of such an impairment; or, is regarded as having such an impairment.

(b) "Physical or mental impairment" includes: any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and, endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. In addition, Congress included the following examples of conditions, diseases and infections as physical or mental impairments under the Americans with Disabilities Act of 1990: alcoholism; cancer; cerebral palsy; diabetes; drug addiction; emotional illness; epilepsy; and, infection with the Human Immunodeficiency Virus (HIV).

(c) "Record of an impairment" means that the individual has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

(d) "Is regarded as having an impairment" includes:

1. individuals with physical or mental impairments that do not substantially limit a major life activity, but are treated by a covered entity as constituting such a limitation;

2. individuals with a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward the impairment; or,

3. individuals with no physical or mental

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| impairment who are treated by a covered entity as having such an  
| impairment.

| (e) "Major life activities" include those basic  
| activities that the average person in the general population can  
| perform with little or no difficulty. Examples of these activities  
| include but are not limited to: caring for one's self; performing  
| manual tasks; walking; seeing; hearing; speaking; breathing;  
| learning; and, working.

| (f) "Substantially limits" means that the individual  
| is unable to perform or is significantly restricted as to the  
| condition, manner or duration under which he or she can perform a  
| major life activity as compared to the general population.  
| Temporary, nonchronic impairments of short duration, with little or  
| no long-term or permanent impact, are not usually considered a  
| disability.

| (g) "Qualified individual with a disability" for the  
| purpose of employment, includes those persons who, with or without a  
| reasonable accommodation, can perform the essential functions of the  
| employment position that the individual holds or desires.

| (h) "Reasonable accommodation" is a modification or  
| adjustment to a job, the work environment or the way things are  
| usually done, that will enable a qualified individual with a  
| disability to attain the same level of performance or enjoy equal  
| benefits and privileges of employment as are available to a similarly  
| situated employee without a disability. Reasonable accommodation may  
| occur in three phases of employment: in the application/recruitment  
| process; in the performance of essential functions of a job; and/or  
| in the receipt of all benefits of employment. Within the FBI, all  
| requests for reasonable accommodations received from employees or  
| applicants will be coordinated through the OEEOA.

\*\*EffDte: 12/13/1996 MCRT#: 593 Div: EE Cav: SecCls:

#### **4-10.2 Reasonable Accommodation Committee (See MAOP, Part 1, 4-10.)**

| On March 10, 1994, the Director approved the establishment  
| of the Reasonable Accommodation Committee (RAC) within the OEEOA to  
| assist the PDP in addressing individuals' requests for reasonable  
| accommodation. The RAC is comprised of representatives from the  
| Administrative Services Division and the Office of the  
| General Counsel (OGC) to include: the Persons with Disabilities  
| Program Manager; the Medical Officer (MO); the Safety Officer; and  
| personnel from the Facilities Management, Staffing, Position  
| Classification, and Health Care Programs Units. As necessary,  
| personnel from the Employee Assistance and/or Employee Benefits Units  
| are requested to assist.

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#### 4-10.3 Reasonable Accommodation Process

(1) The Rehabilitation Act of 1973 (Public Law (PL) 93-112), as amended by PL 93-516, requires that agencies within the Executive Branch of the federal government institute programs that will expedite the hiring, appointment, and promotion of persons with disabilities.

(2) The reasonable accommodation process is administered through the Bureau's Persons with Disabilities Program (PDP), and is managed by the Office of Equal Employment Opportunity Affairs (OEEOA). The reasonable accommodation request process allows employees to make an informal request for assistive devices, "...modification or adjustment to a job, employment practice or work environment" which may assist AN EMPLOYEE WITH A DISABILITY in successfully performing the essential functions of their respective positions. The decision about the type of accommodation to be provided will be based upon what is deemed to be reasonable.

(3) Generally, it is the responsibility of the employee to inform Bureau management of his or her need for an accommodation. In cases where Bureau management is aware that an employee with a known disability is having difficulty performing their duties, management should only approach the issue from a performance perspective. Bureau management should avoid making comments that suggest that poor work performance is the direct result of the employee's disability. For example, a manager who observes a change in an employee's performance should discuss the performance issue with the employee, and inquire about ways that management might assist the employee to improve work performance. In doing so, this may lead the employee to indicate that he or she does require an accommodation.

(4) Any employee who believes that a current or ongoing medical condition, whether physical or mental, is impacting their ability to perform their duties, may seek an accommodation under the Bureau's process. Submission of a request does not guarantee approval. All requests for accommodations will be evaluated by the Office of the General Counsel (OGC), the Health Care Programs Unit (HCPU), and the OEEOA to ensure that the employee is a qualified "INDIVIDUAL WITH A DISABILITY," and thus is eligible for an accommodation. The ADA defines a "QUALIFIED INDIVIDUAL WITH A DISABILITY" as a person who has 1) a physical or mental IMPAIRMENT that SUBSTANTIALLY LIMITS one or more MAJOR LIFE ACTIVITIES; 2) has a record of such an impairment; or, 3) is regarded as having such an impairment. Once a determination is made by OGC, HCPU, and the OEEOA regarding the employee's filing status, the OEEOA will make recommendations based upon information and input provided by the OGC and the HCPU. Information submitted by employees as part of their request for an accommodation will be kept confidential. This

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| information will be maintained by the OEEOA and will not be placed in  
| the employee's personnel file.

| (5) If it is determined that an employee is eligible for an  
| accommodation, the OEEOA will provide recommendations regarding the  
| types of accommodations necessary to assist the requesting employee.  
| Although the OEEOA issues the recommendations, and will provide  
| technical assistance to managers and supervisors, IT IS THE  
| RESPONSIBILITY OF EACH OFFICE TO ALLOCATE FUNDS IN THE ANNUAL BUDGET,  
| AND TO INCUR THE COST OF PROVIDING AN ACCOMMODATION FOR AN EMPLOYEE.  
| In cases where Bureau management believes that providing the  
| accommodation would create an UNDUE HARDSHIP, Bureau managers and  
| supervisors should submit written justification explaining the  
| hardship to the OEEOA office. The determination of whether a  
| particular accommodation would impose an undue hardship will be made  
| by the OGC and OEEOA on a case-by-case basis. |

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#### **| 4-10.4 Request for Reasonable Accommodation**

| (1) Any employee who believes that a medical condition,  
| whether physical or mental, is affecting his/her ability to perform  
| their duties, should notify his/her immediate supervisor in an effort  
| to cooperatively reach some sort of accommodation without the need to  
| file a formal request. Employees seeking an accommodation should  
| complete Section One (pages 1-3) of Form FD-856 (Request for  
| Reasonable Accommodation) to initiate the reasonable accommodation  
| process. In this section, employees shall clearly state the nature of  
| their medical condition, and if possible, identify any accommodations  
| they believe would assist them in performing the essential functions  
| of their jobs. Submission of inadequate documentation will require  
| the OEEOA to contact the requesting employee, which will result in a  
| delay in handling the request. Employees must attach to their request  
| all medical documentation which is relevant and that supports the need  
| for an accommodation. The employee must also sign and date the FD-856  
| in the designated area. Supervisors are required to complete Section  
| Two (Supervisor Information) when presented an FD-856 by an employee.  
| The supervisor shall acknowledge and provide the date of receipt of  
| the FD-856, and review the request for accommodation. Supervisors  
| are also required to advise the employee regarding the availability of  
| the Employee Assistance Program (EAP). Whenever possible,  
| supervisors shall attempt to accommodate the employee's request.

| (2) If the supervisor or manager is willing and able to  
| provide the necessary accommodation, the information should be  
| documented and acknowledged by the requesting employee. If an  
| accommodation is provided, then a referral to the OEEOA for further  
| action is not necessary. However, the completed FD-856 should be  
| forwarded by the office head to the OEEOA for recordkeeping purposes.  
| Copies of an employee's request shall NOT be placed in the employee's

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| personnel file. In cases where the supervisor does not agree with  
| the employee's request, the supervisor should express his or her  
| concerns in writing where appropriate in the FD-856, and shall forward  
| the FD-856 to the OEEOA for additional action.

| (3) During the preliminary stages, supervisors and managers  
| are required to inform employees regarding the availability of  
| Employee Assistance Program services. However, EAP Counselors are not  
| involved in the accommodations process; therefore, employees should  
| not pursue a request for accommodation using the EAP process.

| (4) The reasonable accommodation process is strictly a  
| voluntary process. Managers and supervisors may not submit a request  
| for accommodations on behalf of their employees without the employee's  
| knowledge or consent. Managers and supervisors who recognize that an  
| employee's medical condition is affecting his or her performance  
| should attempt to resolve the matter prior to submitting an FD-856 to  
| the OEEOA office.

| (5) All requests for accommodations (FD-856), including all  
| correspondence and medical documentation, should be forwarded to:

| Office of Equal Employment Opportunity Affairs  
| Persons with Disabilities Program Manager  
| Federal Bureau of Investigation (HQ)  
| Room 7901  
| 935 Pennsylvania Ave. NW  
| Washington, DC 20535-0001

| Upon completion of the process, the OEEOA will provide written  
| notification to the employee and appropriate management official. |

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#### **| 4-10.4.1 Medical Documentation**

| The submission of medical documentation is essential to the  
| effective handling of requests for accommodation. Under the ADA,  
| employers are entitled to request adequate medical documentation in  
| support of the request for accommodation. All Bureau employees are  
| strongly encouraged to submit CURRENT medical documentation which  
| supports the request for accommodation. Failure to submit adequate  
| documentation may result in an inability to properly evaluate the  
| request and accommodate the employee's needs. All medical  
| documentation should include the employee's name and be signed and  
| dated by the attending physician. In addition, the medical statement  
| should include a response to the following:

| (1) Why did the patient seek your professional services?

| (2) What is his or her medical history?

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- | (3) What was the nature of the complaint?
- | (4) What tests or examinations did you perform, and what  
| were the results?
- | (5) What is the diagnosis?
- | (6) Is there a secondary diagnosis?
- | (7) To what do you ascribe the condition?
- | (8) What body system(s) does the condition affect?
- | (9) What is the prognosis?
- | (10) What effect does or will the condition have upon the  
| patient?
- | (11) What functions or activity does the condition impair,  
| and to what extent are they impaired: slight, minor, moderate,  
| substantial, severe, total?
- | (12) How does the condition affect the patient's ability to  
| perform everyday functions?
- | (13) Will the extent of the impairment remain constant? If  
| not, will it improve or degenerate?
- | (14) If the condition affects the patient's ability to work,  
| specifically how does it do so? What limitations, if any, should the  
| patient be under while in the work environment?
- | (15) What is the prescribed course of treatment, and how  
| long will the treatment last? (What therapies, medications, or  
| procedures are indicated)
- | (16) What restrictions or limitations have you prescribed?
- | (17) Are any special devices or equipment indicated?
- | (18) Is there anything else that you believe warrants our  
| attention in responding to the request by your patient?|

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### | 4-10.4.2 Appeals Process

- | (1) The reasonable accommodation process is intended to be  
| interactive and ongoing. An employee may seek a reevaluation and  
| assessment for additional accommodation by submitting updated medical

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| documentation. Although the OEEOA does not guarantee that an  
| additional accommodation will be provided, all requests will be given  
| full consideration under applicable laws.

| (2) An employee whose request for accommodation is  
| declined may choose to pursue their concerns beyond the reasonable  
| accommodation process. This may be accomplished by contacting an EEO  
| Counselor to initiate the informal complaint process.|

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#### **| 4-10.4.3 Definitions/Terms**

| (1) "Major Life Activities" - Walking, speaking,  
| breathing, performing manual tasks, seeing, hearing, learning,  
| working, caring for oneself

| (2) "Substantially Limits" - Unable to perform, or  
| significantly limited in the ability to perform, an activity compared  
| to an average person in the general population

| (3) "Undue Hardship" - Excessively costly, extensive,  
| substantial, or disruptive, or that would fundamentally alter the  
| nature or operation of the business

| (4) "Mental impairment" - Any mental or psychological  
| disorder, such as mental retardation, organic brain syndrome,  
| emotional or mental illness, and specific learning disabilities

| (5) "Physical impairment" - Any physiological disorder,  
| or condition, cosmetic disfigurement, or anatomical loss affecting one  
| or more of the following body systems: neurological, musculoskeletal,  
| special sense organs, respiratory (including speech organs),  
| cardiovascular, reproductive, digestive, genito-urinary, hemic and  
| lymphatic, skin, and endocrine|

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#### **4-10.5 Reasonable Accommodations for Bureau Applicants**

| Applicants for employment with the FBI requesting  
| reasonable accommodation for their physical or mental disability  
| during the application process should provide a  
| written request for accommodation and supporting medical documentation  
| detailing the applicant's diagnosis, prognosis, limitations and  
| recommendations for accommodation. All documentation from the

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applicant's physician or therapist should be forwarded to the OEEOA along with an explanatory communication from the division or office requesting assistance. Generally, applicants will be provided with accommodations such as sign language interpreters, text-enlarging adaptive equipment for use with written materials, or up to double time to complete written portions of application tests. Each request will be addressed by the OEEOA in coordination with the Administrative Services Division.

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\*\*\*\*\* END OF REPORT \*\*\*\*\*

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